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morals and a sound public policy. It is also supported by the great weight of authority, both English and American: *Sussex Peerage Case*, 11 Clarke & Fin, 85 (1844); *Brook* v. *Brook*, 9 H. of L. Cases, 212 (1862); *LeBreton* v. *Nonchet*, 3 Mart. (La.) 60 (1813); *Williams* v. *Oates*, 5 Ire. (N. C.) 535 (1845); *Dupre* v. *Executor of Boulard*, 10 La. 411 (1855); *State* v. *Kennedy*, 76 N. C. 251 (1877); *Kinney* v. *Commonwealth*, 30 Grat. (Va.) 858 (1878); *Pennegar and Haney* v. *State*, 87 Tenn. 244 (1889). The leading text-book writers on the conflict of laws concur with the above cases: *Story's Confl. of Laws*, secs. 86 and 87; *Wharton's Confl. of Laws*, sec. 159.

Contrary ideas are held, however, in a few of the states: *Medway* v. *Needham*, 16 Mass. 157 (1819); *Putman* v. *Putman*, 8 Pick. (Mass.) 433 (1829); *Stevenson* v. *Gray*, 17 B. Mon. (Ky.) 193 (1856); *VanVoorhis* v. *Brintall*, 86 N. Y. 18 (1881); overruling *Marshall* v. *Marshall*, 2 Hun. (N. Y.) 238 (1874); *Moore* v. *Hegeman*, 92 N. Y. 521 (1883).

INNKEEPER; LIEN ON DRUMMER'S SAMPLES. In *Torrey et al.* v. *McClellan et al*, 43 S. W. 641 (Court of Civil Appeals of Texas, Nov. 13, 1897), it was held that the innkeeper's lien did not extend to drummer's samples, when it appeared that the innkeeper knew all along that the goods were the property not of the drummer, but of his employer.

Before the decision in the present case this question had arisen only twice. In *Covington* v. *Newberger*, 99 N. C. 523 (1888), the same conclusion as in the principal case was reached. See also *Broadwood* v. *Granaray*, 10 Exch. 417 (1854). The next question arose in *Robins & Co.* v. *Gray* (1865), 2 Q. B. 501, and the result is in open conflict with *Covington* v. *Newberger*, *supra*. In that case Lord Esher held that the question of the innkeeper's knowledge as to the ownership of the samples is immaterial. It is obviously impossible to harmonize these two lines of cases. It is respectfully submitted, however, that as the innkeeper is bound to receive the goods of a guest without inquiries as to his title [*Gordon* v. *Silber*, 25 Q. B. D. 491 (1890)], the innkeeper should not be deprived of his lien even if he knows the goods to belong to a third party.

BOOK REVIEWS.

INTRODUCTION TO THE STUDY OF LAW. By EDWIN H. WOODRUFF, Professor of Law in Cornell University, College of Law. New York: Baker, Voorhis & Co. 1898.

This is a most excellent little book filling a long felt want. It begins with a description of the Scope of the Law. There is a chapter on "How and Where to Find the Law," which describes the different classes of legal books and their uses. Chapter III, on "The Operation of the Law," is a very carefully prepared and simple account of how law grows. The last chapter on Courts

and Procedure is good, but one would wish that Mr. Woodruff could have made it somewhat fuller.

We sympathize with the writer's view, shown in first chapter, on what law is, but must take a slight exception to the definition given, which is "The sum of rules administered by Courts of Justice." This definition is correct but hardly leads the student anywhere. The whole chapter leads to a definite conclusion which might have been given as a definition of law Namely, that law, as the lawyer uses the term, is a rule of human conduct, the penalty for the disobedience of which is enforced by the Government.

A few other matters occur to us. On page 16, in describing the books which should be in a lawyer's library, would it not have been well to add some of the more noted collections of cases on particular subjects. The collections of cases by Professor Ames of Harvard, for instance, are of great use to lawyers, who, knowing the theory on which the cases have been gathered, can use, as mines of reference, the very complete citations of cases in the notes.

There is one point in the chapter dealing with the growth of the common law which is worthy of comment. We do not quite see why the writer uses as his illustration of the way in which the law grows, the case of *Munn* v. *Illinois*, 94 U. S. 113. The propriety of selecting a case as much criticised as *Munn* v. *Illinois* may be questioned, but certainly, as Mr. Woodruff uses the case, he should have noted the fact that it may be doubtful whether it is longer law. Another use of an illustration of a somewhat similar kind occurs on page 46, where, in illustrating a legal fiction, he gives the rule of a master's liability for the actions of his servant as being explained by the fact that the master and servant are "feigned to be one person." This is all right but should he give to the young student as explaining this anomaly in our law, the sentence from Chief Justice Shaw's opinion in *Farwell* v. *B. & W. R. R.*, 4 Met. 56: "This rule is obviously founded on the great principle of social duty that every man in the management of his own affairs, whether by himself or by his agents or servants, shall so conduct them as not to injure another." This may be an explanation of the rule, just as *Munn* v. *Illinois* may be a correct development of the law, but both are to-day examples of live controverted questions, and if given to the young student at all, should be given with a statement of the existence of a controversy.

Another matter of controversy in which there is an expression of one opinion as an uncontroverted fact is found on page 60, where the writer says: "The common law of England had its foundation in the customs of the Germanic tribes that accomplished the Anglo-Saxon conquest in Briton." This is rather hard on a certain class of modern historical inquirers who hold that Saxon England prior to the Norman conquest, derived the great majority of its laws and customs from the Roman occupation of Britain.

These incidental matters, however, in no wise detract from the general excellence of Mr. Woodruff's work. *W. D. L.*